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11 *Attorneys for Plaintiff Kimberly Yordy and the putative class*

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13 **UNITED STATES DISTRICT COURT**
14 **NORTHERN DISTRICT OF CALIFORNIA**
15 **SAN FRANCISCO DIVISION**

16 KIMBERLY YORDY, individually and on
behalf of all others similarly situated,

17 *Plaintiff,*

18 v.

19 PLIMUS, INC., a California corporation,

20 *Defendant.*

Case No. 12-cv-00229-TEH

**PLAINTIFF'S UNOPPOSED
ADMINISTRATIVE MOTION TO FILE
DOCUMENTS UNDER SEAL PURSUANT
TO CIVIL L.R. 7-11 AND 79-5**

Judge: Honorable Thelton E. Henderson

1 Pursuant to Civil Local Rules 7-11 and 79-5(b), (c), and (d), Plaintiff Kimberly Yordy
2 (“Plaintiff”), by and through her undersigned counsel, hereby respectfully requests that the Court
3 enter an Order permitting her to file under seal portions of her Reply to Defendant Plimus Inc.’s
4 (“Plimus”) Opposition to her Renewed Motion for Class Certification (the “Reply”). Plaintiff has
5 lodged with the Clerk of the Court unredacted copies of the same, which contain detailed
6 references, including quotations, of materials that have been designated as “Confidential” by Plimus
7 in this matter, under the terms of the November 21, 2012 Agreed Protective Order entered by the
8 Court (“Protective Order”). (Dkt. 68.) In support of the instant motion, Plaintiff states as follows:

9 1. Plaintiff seeks to file a portion of the following document under seal pursuant to
10 Civil L.R. 79-5(c) and (d) and has lodged the same with the Clerk of the Court:

- 11 • Plaintiff’s Reply in Support of Class Certification. This document contains
12 detailed references, including quotations, to the exhibits, which have been
13 designated “Confidential” by Defendant Plimus. The exhibits referenced have
14 been filed under seal in conjunction with Plaintiff’s Renewed Motion for and
15 Memorandum in Support of Class Certification. (*See* Dkts. 122, 123.)

16 2. Good cause exists to allow Plaintiff to file the above-referenced Reply under seal
17 because, as set forth in the Declaration of Benjamin H. Richman, it contains detailed references to
18 documents that have been designated as “Confidential” by Defendant Plimus and were produced or
19 generated during discovery by Plimus subject to the Protective Order entered in this matter.

20 3. The Protective Order was entered by the Court on November 21, 2012 and
21 acknowledges that certain confidential, proprietary, or private information may be disclosed during
22 the course of discovery, and that the Parties shall follow the procedures set forth in Civil Local Rule
23 79-5 for filing such documents and information under seal.

24 4. Protective orders and filings under seal are “the primary means by which the courts
25 ensure full disclosure of relevant information, while still preserving the parties’ (and third parties’)
26 legitimate expectation that confidential business information, proprietary technology and trade
27 secrets will not be publicly disseminated.” *In re Adobe Sys., Inc., Sec. Litig.*, 141 F.R.D. 155, 161-
28 62 (N.D. Cal. 1992) (citing *Johnson Controls, Inc. v. Phoenix Control Sys.*, 886 F.2d 1173, 1176

(9th Cir. 1989)). A court may order the sealing of court records when they contain confidential or otherwise sensitive business information. *IMAX Corp. v. Cinema Tech, Inc.*, 152 F.3d 1161, 1168 (9th Cir. 1998) (noting that confidential and proprietary business information is “to be filed under seal.”); *In re Dual-Deck Video Cassette Recorder Antitrust Litig.*, 10 F.3d 693, 694 (9th Cir. 1993). (stating that it “is common now in business litigation” to seal confidential business information by a stipulated protective order).

5. Plaintiff has lodged with the Clerk of the Court both sealed and unsealed versions of the above-referenced document in compliance with Civil L.R. 79-5(c) and (d). Pursuant to L.R. 79-5(e), within four days of Plaintiff's lodging of the documents and materials set forth above, Defendant Plimus must file with the Court and serve a declaration establishing that the documents and materials it previously designated as "Confidential" are sealable, and must lodge and serve a narrowly tailored proposed sealing order, or must withdraw the designation of confidentiality.

WHEREFORE, Plaintiff Kimberly Yordy, respectfully requests that the Court enter an Order (i) granting Plaintiff's Administrative Motion to File Documents Under Seal and (ii) providing such other and further relief as the Court deems reasonable and just.

Respectfully Submitted,

KIMBERLY YORDY, individually and on behalf of
a class of similarly situated individuals

Dated: January 6, 2014

By: /s/ Benjamin H. Richman
One of Plaintiff's Attorneys

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